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Modified PTO/SB/33 (10-05)

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number Q79524	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/786,365	Filed February 26, 2004
	First Named Inventor Hyun-sik YOON	
	Art Unit 2163	Examiner Tuankhanh D. PHAN

WASHINGTON OFFICE
23373
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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

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February 16, 2010
Date

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hyun-sik YOON, et al.

Docket No: Q79524

Appln. No.: 10/786,365

Group Art Unit: 2163

Confirmation No.: 3411

Examiner: Tuankhanh D. PHAN

Filed: February 26, 2004

For: NETWORK MANAGEMENT METHOD FOR WIRELESS TRANSMISSION/RECEPTION OF DATA STREAMS, AND NETWORK SYSTEM AND APPARATUS EMPLOYING THE SAME

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Office Action dated November 16, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

In the Office Action dated November 16, 2009, the Examiner has twice rejected the pending claims based on his previous rejections and added a few supplemental arguments in the *Response to Arguments* section of the Office Action. Specifically, claims 1, 3-13 and 15-35 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lundstrom et al. (U.S. Patent No. 7,289,480) in view of Lim et al (U.S. Patent Application Publication No. 2004/0039788). Claims 2 and 14 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lundstrom and Lim, and further in view of Wright et al. (U.S. Patent No. 6,078,568).

With respect to independent claims 1, 12, 24, and 25, Applicants maintain that Lundstrom does not disclose or suggest at least, "a processor operable to process an event, upon occurrence of the event in the network, by extracting apparatus information for the apparatuses within the network from the management information and specifying a second streaming server different from a first data streaming server according to the extracted information," (emphasis added) as recited in claim 1 and similarly recited in claims 12, 24, and 25.

Applicants maintain that Lundstrom only generally discloses that a network can more efficiently manage selected communication resources based on the expected application behavior associated with those packet data types. However, Applicants maintain that there is no teaching or suggestion of a network apparatus comprising a processor that processes an event...by extracting apparatus information for the apparatuses within the network from the management information (of the same network apparatus comprising the processor) and specifying a second streaming server different from a first data streaming server according to the extracted information. The general concept of a network operating efficiently clearly does not disclose or suggest the very specific features set forth above with respect to claim 1.

Further with respect to the independent claims, Applicants maintain that Lundstrom does not disclose or suggest at least, "a audio/video (A/V) wireless network which comprises a plurality of data streaming servers and data streaming clients," "wherein only one channel is allocated to transfer a data stream for the second data streaming server by the managing module," and "wherein dummy data transmitted during the data stream is not transmitted in the allocated channel," as recited in independent claim 1 and similarly recited in independent claims 12, 24, and 25. That is, Applicants submit that the scope of the claimed invention is different from that of Lundstrom, which focuses on

PAGE 4/8 * RCVD AT 2/16/2010 7:16:35 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:2022937860 * DURATION (mm-ss):03-10

channel allocation and resource management according to the type of packet data in the general wireless network.

In an exemplary embodiment of the present invention, one allocated channel is exclusively used for each-data streaming server. In addition, to prevent the allocated channel from being used by other streaming servers, dummy data is transmitted when there are no AV streams to be transmitted.

Since this can mean that one data-streaming server exclusively uses an allocated channel, Quality of Service (QoS) can easily be accomplished. Further, since propagation interferences do not occur, problems occurring in wireless multicasting/broadcasting can be minimized. Therefore, data-streaming servers and data-streaming clients can be easily developed in a wireless manner.

In previous Office Actions, the Examiner did not respond to this argument. However, in the current Office Action, the Examiner alleges:

> Response II: The Examiner strongly disagrees with the Applicants because Lundstrom's disclosure of a wireless network for different flows associated with data packet (col. 1, lines 54-60) included streaming media (col. 1, lines 20-26) having streaming servers (Figure 5, 18; col. 2, lines 34-39) with streaming clients (col. 2, lines 34-39) is equivalent to audio/video wireless network comprise a plurality of data streaming servers and data streaming clients of claimed invention. Plus, Lundstrom discloses of different types of communications is characterized by the packet flows of associated application and resource manager, therefore, when locating/requesting a resource and a channel has not been allocated, dummy data or ping signals are no longer being sent afterward when requested data being transmitted. In addition, Lim cures the deficiency of Lundstrom's by disclosing only one channel is allocated to transfer a data stream for a data streaming server by the managing module (11[0014]). Thus, applicant's argument is not persuasive.

In response, Applicants submit that the disclosure of different types of communication via the packet flows of associated application and resource managers does not disclose or suggest the

PAGE 5/8 * RCVD AT 2/16/2010 7:16:35 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:2022937860 * DURATION (mm-ss):03-10

specific features of "wherein only one channel is allocated to transfer a data stream for the second data streaming server by the managing module," and "wherein dummy data transmitted during the data stream is not transmitted in the allocated channel." The Examiner must show that each and every claimed feature is satisfied by the prior art, and the Examiner has not met this burden.

Further with respect to the independent claims, the Examiner cites col. 4, lines 13-25 of Lundstrom as allegedly teaching the feature that dummy data transmitted during the data stream is not transmitted in an allocated channel. Dummy data can be, for example, data that is transmitted in an allocated channel to prevent other streaming servers from using it. According to Applicants' understanding, the cited portion of Lundstrom only discloses that resource control decisions in a network 10 of Lundstrom are made based on a user's traffic type or types. The resource control decisions include, for example, the allocation of radio channels, maximum bit rate settings, dormancy, resource release settings, and various quality of service settings. However, there is no teaching or suggestion of dummy data transmitted during a data stream not being transmitted in an allocated channel.

Applicants maintain that claims 12, 24, and 25 are patentable at least based on reasons similar to those set forth above with respect to claim 1.

With respect to dependent claims 3-11, 15-23, and 26-35, Applicants submit that these claims are patentable at least by virtue of their dependency from independent claims 1, 12, 24, and 25.

Further, with respect to the rejections of dependent claims 6, 18, and 30, Applicants maintain that Lundstrom does not describe that management information comprises channel state information, as Lundstrom only discusses the state of activity timers. That is, even if, *arguendo*, an activity is

PAGE 6/8 * RCVD AT 2/16/2010 7:16:35 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:2022937860 * DURATION (mm-ss):03-10

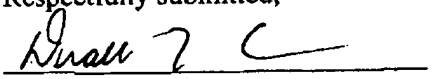
tangentially related to a channel in some way, the state of an activity timer is NOT channel state information.

Further, with respect to the rejections of dependent claims 9, 21, and 33, Applicants submit that Lundstrom does not disclose or suggest an event comprising a network participation request event operable to indicate participation in an already established network. Applicants submit that the Examiner has yet again utilized a general statement in Lundstrom to allegedly satisfy the very specific features set forth above. Accordingly, Applicants maintain at least based on the previously submitted arguments that there is no teaching or suggestion of an event comprising a network participation request event operable to indicate participation in an already established network.

Further, with respect to the rejections of dependent claims 11, 23, and 35, the Examiner does not even respond to the previously submitted arguments that there is no mention whatsoever in Lundstrom of a network disconnection request event operable to indicate disconnection from an already established network.

Applicants maintain that dependent claims 2 and 14 are patentable at least by virtue of their dependencies from independent claim 1. Wright does not make up for the deficiencies of Lundstrom and Lim.

Respectfully submitted,



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PAGE 7/8 * RCVD AT 2/16/2010 7:16:35 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:2022937860 * DURATION (mm-ss):03-10